

10/593181

Docket No.: 13987-00022-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Helke Hillebrand et al.

Application No.: National Phase of
PCT/EP2005/002734

Confirmation No.: N/A

Filed: Concurrently Herewith

Art Unit: N/A

For: IMPROVED CONSTRUCTS FOR MARKER
EXCISION BASED ON DUAL-FUNCTION
SELECTION MARKER

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement accompanies the new patent application submitted herewith.

Of the documents listed on the attached SB/08 are the documents cited in an International Search Report during the prosecution of international application no. PCT/EP2005/002734, which corresponds to the above referenced application. In accordance with 37 CFR 1.97(b)(2), Applicants hereby submit these documents for the Examiner's consideration. A copy of each document required under 37 CFR 1.98(a)(2) is enclosed.

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In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such. Moreover, Applicants understand the Examiner will make an independent evaluation of the cited documents.

Applicants believe no fee is due with this response. However, if a fee is due, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 13987-00022-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 

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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | | | Application Number | Not Yet Assigned |
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| | | | | Art Unit | N/A |
| | | | | Examiner Name | Not Yet Assigned |
| Sheet | 1 | of | 6 | Attorney Docket Number | 13987-00022-US |

| U.S. PATENT DOCUMENTS | | | | | |
|-----------------------|--------------------------|---|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Document Number Number-Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | AA* | US-5,358,866 | 10-25-1994 | Mullen et al. | |

| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------|--------------------------|---|-----------------------------------|--|--|------------------|
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| | BA | EP-0 595 837-B1 | 05-11-1994 | Richardson Vicks Inc. | | See WO92/22280 |
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| | BK | CA-2 493 364-A1 | 02-12-2004 | BASF Plant Science GmbH | | |

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

| NON PATENT LITERATURE DOCUMENTS | | | | | |
|---------------------------------|-----------------------|---|--|--|----------------|
| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | | | T ² |
| | CA | "Putative D-amino acid oxidase", Database UniProt Accession No. Q9X7P6, November 1, 1999. | | | |
| | CB | "D-amino-acid oxidase (EC 1.4.3.3)(DAMOX)(DAO)(DAAO)", Database UniProt Accession No. P80324, OXDA_RHOTO, November 1, 1995. | | | |
| | CC | "D-amino-acid oxidase (EC1.4.3.3)(DAMOX)(DAO)(DAAO)", Database UniProt Accession No. Q99042, OXDA_TRIVR, November 1, 1997. | | | |
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| Sheet | 3 | of | 6 | Attorney Docket Number | 13987-00022-US |

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| CZ2 | Blanc, V. et al., "Control of Gene Expression by Base Deamination: The Case of RNA Editing in Wheat Mitochondria", Biochimie 78 (1996), pp. 511-517. | |
| CA3 | St. Clair, M. H. et al., "Inhibition by Ganciclovir of Cell Growth and DNA Synthesis of Cells Biochemically Transformed with Herpes Virus Genetic Information", Antimicrobial Agents and Chemotherapy (1987) 31(6), pp. 844-849. | |

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| | | | | Application Number | Not Yet Assigned |
| | | | | Filing Date | Concurrently Herewith |
| | | | | First Named Inventor | Helke Hillebrand |
| | | | | Art Unit | N/A |
| | | | | Examiner Name | Not Yet Assigned |
| Sheet | 6 | of | 6 | Attorney Docket Number | 13987-00022-US |

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| CB3 | Alonso, J. et al., "D-Amino-Acid Oxidase Gene from <i>Rhodotorula gracilis</i> (<i>Rhodospiridium toruloides</i>) ATCC 26217", Microbiology 144 (1998), pp. 1095-1101. | |
| CC3 | Pilone, M. S., "D-Amino Acid Oxidase: New Findings", Cell Mol. Life Sci. 57 (2000), pp. 1732-1747. | |
| CD3 | Koprek, T. et al., "Negative Selection Systems for Transgenic Barley (<i>Hordeum vulgare</i> L.): Comparison of Bacterial <i>codA</i> - and Cytochrome P450 Gene-Mediated Selection", The Plant Journal (1999) 19(6), pp. 719-726. | |
| CE3 | Wigler, M. et al., "Transfer of Purified Herpes Virus Thymidine Kinase Gene to Cultured Mouse Cells", Cell 11 (1977), pp. 223-232. | |
| CF3 | O'Keefe, D. P. et al., "Ferredoxins from Two Sulfonylurea Herbicide Monooxygenase Systems in <i>Streptomyces griseolus</i> ", Biochemistry 30 (1991), pp. 447-455. | |
| CG3 | Fedoroff, N. V. et al., "A Versatile System for Detecting Transposition in <i>Arabidopsis</i> ", The Plant Journal (1993) 3(2), pp. 273-289. | |
| CH3 | Upadhyaya, N. M. et al., "The <i>tms2</i> Gene as a Negative Selection Marker in Rice", Plant Molecular Biology Reporter 18 (2000), pp. 227-233. | |
| CI3 | Cecchini, E. et al., "Characterization of Gamma Irradiation-induced Deletion Mutations at a Selectable Locus in <i>Arabidopsis</i> ", Mutation Research 401 (1998), pp. 199-206. | |
| CJ3 | Sundaresan, V. et al., "Patterns of Gene Action in Plant Development Revealed by Enhancer Trap and Gene Trap Transposable Elements", Genes & Development 9 (1995), pp. 1797-1810. | |
| CK3 | Beall, E. L. et al., " <i>Drosophila</i> P-element Transposase is a Novel Site-Specific Endonuclease", Genes & Development 11 (1997), pp. 2137-2151. | |
| CL3 | Agrawal, A. et al., "Transposition Mediated by RAG1 and RAG2 and Its Implications for the Evolution of the Immune System", Nature 394 (1998), pp. 744-751. | |
| CM3 | Xiao, Y.-L. et al., "Intrachromosomal Homologous Recombination in <i>Arabidopsis</i> Induced by a Maize Transposon", Mol. Gen. Genet. 263 (2000), pp. 22-29. | |
| CN3 | Serino, G. et al., "A Negative Selection Scheme Based on the Expression of Cytosine Deaminase in Plastids", The Plant Journal (1997) 12(3), pp. 697-701. | |
| CO3 | Czako, M. et al., "The Herpes Simplex Virus Thymidine Kinase Gene as a Conditional Negative-Selection Marker Gene in <i>Arabidopsis thaliana</i> ", Plant Physiol. 104 (1994), pp. 1067-1071. | |

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